

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

ERIC JASON FARLEY
ADC #121579

PLAINTIFF

V.

2:05CV00334 SWW/HDY

CALVIN HICKEY, East Arkansas Regional Unit, Arkansas
Department of Correction; ET AL.,

DEFENDANTS

ORDER

This matter is before the Court on plaintiff's motion for default (docket entry #36) with respect to Separate Defendant Calvin Hickey.

By Order dated January 19, 2006, service of plaintiff's complaint was issued to defendant Hickey. Service was returned, executed, on April 27, 2006 (docket entry #19). As of this date, defendant has not filed an answer to plaintiff's complaint. Based on such, plaintiff now asks for the entry of default against defendant, pursuant to Fed.R.Civ.P. 55.

According to Fed.R.Civ.P. 55(a), entry of default is appropriate when a party fails to plead or otherwise defend, and that fact is made to appear by affidavit or otherwise. In light of Plaintiff's motion, the Court will direct the entry of default against defendant Hickey. The Court will also direct defendant to file a response, within fifteen days of the date of this Order, to Plaintiff's request for the entry of a default judgment against him. Accordingly,

IT IS, THEREFORE, ORDERED that Plaintiff's motion for the entry of default against defendant Hickey (docket entry #36) is hereby GRANTED. The Clerk of the Court is hereby directed to enter the party's default.

IT IS FURTHER ORDERED that defendant Hickey shall respond to plaintiff's request for the entry of a default judgment against him, within fifteen days of the date of this Order.

The Clerk of the Court is hereby directed to forward a copy of this Order to defendant Hickey at the address indicated on the Marshal's return of service (docket entry #19). A hearing on the issue of damages has been scheduled for September 19, 2007 (docket entry #37).

IT IS SO ORDERED this 30th day of May 2007.

/s/Susan Webber Wright

United States District Judge